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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,340	02/17/2004	Daryl B. Olander	BEAS-01402US1	9959
23910	7590	09/07/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			LUDWIG, MATTHEW J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,340	<b>Applicant(s)</b> OLANDER ET AL.	
	<b>Examiner</b> Matthew J. Ludwig	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                           |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                      | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/3/05</u> | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is in response to the application received 2/17/2004.
2. Claims 1-51 are pending in the application. Claims 1, 11, 21, 31, 40, 41, and 42, are independent claims.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1 and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**In reference to independent claim 1**, the claim limitations are not explicitly directed toward steps being implemented on a computer, computer readable medium, or other statutory device.

As such, they could be carried out mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 2106). Therefore, the claimed invention is directed to non-statutory subject matter.

**In reference to independent claim 41**, the claim is directed to non-statutory subject matter.

Claim 41 is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a)(Functional Descriptive Material) states:

*“Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.”*

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*“Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure’s functionality to be realized.”*

Claim 41, while defining a signal, does not define a “computer-readable medium” and is thus non-statutory for that reason.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Stone et al., USPN 6,804,686 filed (9/10/2002).**

**In reference to independent claim 1, Stone teaches:**

The UML manager interacts with the repository to build the model and the diagrams to be displayed to the developer or user. The model is a data structure that is built by the UML manager based upon the relationship information contained in the repository (compare to “a controller operable to accept the communication and provide the communication to the model”). See column 11, lines 45-67.

When built, the model contains objects describing all of the relationships between classes of a software application or system. The UML manager then uses objects in the model to generate UML diagrams for display to a developer or user via the user interface (compare to “the model operable to perform processing of the request and to determine a page to rendered”). See column 11, lines 50-59.

The browser also includes features enabling a user to elect to view UML information regarding a particular source module or file (compare to “the page operable to provide a response based on the request”). See column 11, lines 55-67.

The UML browser also supports diagramming of reverse dependencies from classes to Java Server Pages (compare to “wherein the page belongs to a page group”). See column 18, lines 40-47.

**In reference to dependent claim 2, Stone teaches:**

Data members and methods of the current class are displayed in this center region of the user interface. See column 12, lines 6-17.

**In reference to dependent claim 3, Stone teaches:**

By using the browser features of the present invention, the developer is able to navigate to any of the related classes, which will result in a UML diagram that has the newly selected class in the center of the diagram. See column 12, lines 10-30.

**In reference to dependent claim 4, Stone teaches:**

The structure pane displays the structure of the file currently selected in the content pane. The file structure is displayed in the form of a tree showing the members and fields in the selected file. In addition to providing a view of the structure of the class, the structure pane

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facilitates navigating to a class, or its methods or members, in the source code. See column 9, lines 54-67.

**In reference to dependent claim 5, Stone teaches:**

In addition to providing a view of the structure of the class, the structure pane facilitates navigating to a class, or its methods or members, in the source code. See column 9, lines 54-67.

**In reference to dependent claim 6, Stone teaches:**

The UML diagram comprises a hierarchical view of relationships between the selected file and other files of the program having a plurality of nodes. See column 4, lines 55-67.

**In reference to dependent claim 7, Stone teaches:**

The content pane provides access to various file views as well as status information by way of file view tabs and a file status bar. Each of the file view tabs shown at the bottom of the content pane provides a different view of the open file. The file view tabs are context sensitive. See column 10, lines 8-19.

**In reference to dependent claim 8-10, Stone teaches:**

When built, the model contains objects describing all of the relationships between classes of a software application or system. The UML manager then uses objects in the model to generate UML manager for display to a developer or user via the user interface. See column 11, lines 45-67.

**In reference to claims 11-20, the claims reflect the system for carrying out similar instructions as those claimed in 1-10. Therefore, the claims are rejected under similar rationale.**

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**In reference to claims 21-40**, the claims reflect the system for carrying out similar instructions as those claimed in 1-10. Therefore, the claims are rejected under similar rationale.

**In reference to claims 41-51**, the claims reflect the machine-readable medium having instructions stored thereon that when executed by a processor cause a system to carry out similar methods as those claimed in 1-10. Therefore, the claims are rejected under similar rationale.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Upton                      USPN 7,080,092                      filed (10/15/02)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

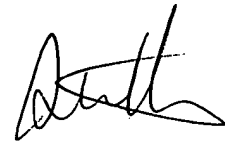
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**